FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FEB - 2 2016

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

	Our to let the
Saleem El-Amin,)
Plaintiff,)) Case: 1:16-cv-00165
V.	Assigned To: Unassigned Assign. Date: 2/2/2016
Lauren N. Bressack,	Description: Pro Se Gen. Civil
Defendant.)

MEMORANDUM OPINION

Plaintiff, a federal prisoner proceeding *pro se*, has submitted a Complaint and an application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's case upon a determination that the complaint fails to state a claim upon which relief may be granted).

Plaintiff is incarcerated at the United States Penitentiary in Inez, Kentucky. Plaintiff alleges that the named defendant, who shares an address with the Office of the United States Attorney for the District of Columbia, refused to "correct an unwarranted [upward] departure" of his sentence for assault with a dangerous weapon. Compl. at 2. Plaintiff claims that the defendant's refusal violated the Constitution, and he seeks \$300,000 in money damages.

Because plaintiff's success would necessarily invalidate his sentence, this claim is not "cognizable unless and until he meets the requirements of *Heck*" by having the sentence invalidated via direct appeal or habeas corpus, or declared void by an authorized tribunal. *Harris* v. *Fulwood*, 611 Fed. App'x 1, 2 (D.C. Cir. 2015) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)); *see also id.*, quoting *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005) ("*Heck* applies 'no matter the relief sought (damages or equitable relief) . . . if success in [the] action would

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necessarily demonstrate the invalidity of confinement or its duration"). Nothing in the complaint suggests that plaintiff's sentence has been invalidated. Consequently, this action will be dismissed without prejudice for failure to state a claim. A separate order accompanies this Memorandum Opinion.

Date: 28, 2016

United States District Judge